

REMARKS

The above preliminary amendments and following remarks are submitted in accordance with a Request for Continued Examination filed on even date and in response to the Final Official Action of the Examiner mailed on September 15, 2008. Having addressed all objections and grounds of rejection, claims 1-21, being all the pending claims, are now deemed in condition for allowance. Entry of this amendment and reconsideration to that end is respectfully requested.

Claims 1-21 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2007/0208758, published in the name of Yeap al. (hereinafter referred to as "Yeap"). This ground of rejection is respectfully traversed as to the amended claims for the following reasons.

The standards for a finding of anticipation during examination are specified in MPEP 2131, which provides in part:

TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH
EVERY ELEMENT OF THE CLAIM
"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). (emphasis added)

The rejection is respectfully traversed because "the identical invention" of the amended claims is not shown by Yeap in as

complete detail as is contained in the claims" as is required by MPEP 2131.

The present invention generally relates to diverse legacy data base management systems and more particularly relates to enhanced message handling techniques which provide efficient communication between such diverse data base management systems. This tends to be difficult because of the incompatibilities between differing legacy data base systems. Further problems arise with legacy data base management system access to various incompatible data bases as well. To be most useful, there must be the capability to access such preexisting, incompatible data bases. Unfortunately, this involves a number of incompatible message types. This promotes substantial inefficiencies in processing service requests and providing corresponding responses.

As shown in Fig. 1, the ultimate user of the preferred embodiment of the disclosed system communicates with an enterprise system having a first legacy data base. This enterprise system in return communicates with a plurality of additional, incompatible legacy data bases, as shown in Fig. 4, elements 200, 202, 204, 206, 208, and 210. Thus, the enterprise system is responsible for responding to user service requests involving a plurality of data accesses from a plurality of incompatible legacy data bases. As a result, the present

invention provides communication between different incompatible legacy data bases. The claims have been amended as deemed necessary to make this relationship even more explicit.

As disclosed and claimed, the subject invention provides an apparatus for and method of utilizing an existing predefined messaging protocol to convey additional data in application-to-application communication. Instead of utilizing a plurality of the existing predefined messages or defining a new unique message type to convey the needed data, a single preexisting message type is used to define location and format of the data objects to be communicated. The receiving application unpacks these definitions, so that it can request and utilize the requested data.

Yeap, on the other hand, discloses communication with a single legacy data base. Paragraph [0011] summarizes the Yeap invention as follows:

The present invention provides a system and method for enabling the cross-referencing or linking of records in an enterprise system. In one embodiment, cross-referencing information can be included in the header of a message between applications or systems in an enterprise system. (Emphasis added)

Because only a single legacy data base is accessed, Yeap has no need for the claimed "identifier" of the data base format. Yeap has only one legacy data base and only one data base format. Even though the header of the Yeap message uses an identifier to identify the objects to be referenced, it need not define the

format of the objects, because there is only one format. The object identifier of Yeap is clearly dedicated to the location of the object, rather than to the format of the object. Though not disclosed by Yeap, presumably different message formats would be required to access different legacy data bases, which is precisely the inefficiency Applicant seeks to avoid.

As a result of these differences in purpose, scope, and operating environment between Applicant's claimed invention and Yeap, there are many structural differences as is noted by reference to the individual claim elements. To assist the Examiner in this regard, the claims have been amended in accordance with Applicant's disclosure to explicitly highlight the format compatibility issues associated with communication amongst legacy data base management systems.

Amended claim 1, for example, is an independent method claim having six basic elements. The preamble has been amended to show that the claimed applications (i.e., the "claimed applications" having incompatible formats) are located within the same legacy data base management system. This architecture is not found in Yeap. The only application shown (i.e., Fig. 1, element 112) is located within primary system 110. Though this shows a major distinction between Applicant's claimed invention and Yeap, it is even more important in showing why Yeap cannot meet the further limitations of the claimed invention.

The Examiner has apparently sought to take issue with this reasoning by stating:

Applicant argues that Yeap does not teach applications located within a legacy database management system (Remarks, last paragraph page 12). In response, Yeap teaches (Fig. 1 and associated specification) multiple applications 112 having a database 120 which could be any type of database (paragraphs (0027-0028) and applications within system 150 (paragraph 0030), and all of these application communicate within an enterprise system 100.

Though Yeap discloses only a single application (see Fig. 1, element 112, entitled "APPLICATION"), it suggests that it could have (but does not) disclose more than one application.

Paragraph [0027] states in part:

In alternative examples, the primary system 110 may include multiple eBusiness applications 112.

Yeap does not disclose those "alternative examples", of course. It is respectfully submitted that the Examiner should apply only the prior art as disclosed, rather than what could have, but is not, disclosed.

More importantly, because claim 1 requires that "the claimed applications (i.e, the "claimed applications" having incompatible formats) are located within the same legacy data base management system" (see for example, Applicants' Fig. 4), it means that claim 1 is limited to a legacy data base management system containing a plurality of data bases having a plurality of incompatible formats. Apparently, the Examiner has not understood these facts, because he has cited paragraph [0028]

which states in part (and is repeated in paragraph [0031]),
"Database 120 generally represents a single database".

Furthermore, even though Yeap says that database 120 "can be any type of database¹", it does not disclose, suggest, or even parenthetically mention a plurality of incompatible data bases within a single legacy data base management system.

The first element of amended claim 1 is "determining said first format associated with said data from said legacy data base of said first application". As explained above, Yeap does not contemplate communication with a legacy system containing a plurality of data bases with incompatible data formats. Thus, Yeap does not need to perform the required "determining", because there are not different "formats" as claimed. Therefore, the Examiner cites six unrelated and disparate paragraphs of Yeap.

The Examiner's extensive string of citations begins at paragraph [0006]. This paragraph starts:

The messages can be in any type of format that can be processed by the eBusiness and legacy systems.....

In other words, Yeap explicitly requires **compatibility** of message formats, rather than the claimed "incompatibility".

Ignoring the claimed requirement of a plurality of incompatible legacy data bases within a single legacy data base management system, the Examiner seeks to prove that data bases

¹This statement is clearly erroneous. Yeap does not have provisions for a trinary data base, for example.

with incompatible formats exist somewhere in the universe. This argument is legally irrelevant, because it does not address Applicants' claimed invention.

Furthermore, the Examiner states:

Applicant argues that Yeap does not teach incompatible data formats (Remarks, first paragraph page 13). In response, Yeap teaches (paragraph 0007) the information stored in an eBusiness application database is in a different format or arrangement than the related information stored in a corresponding legacy system database. (emphasis added)

Paragraph [0007] of Yeap is a portion of the Background of the Invention. Obviously, it does not "teach" incompatible data base formats. It simply states that they exist in the prior art. This is an admission against interest to Yeap, but it is not to Applicants. Thus, from an evidentiary point of view, paragraph [0007] "teaches" very little.

More important, however, is that the Examiner's citation from Yeap is legally irrelevant, because it does not address Applicants' claimed invention, which requires a plurality of incompatible data bases within a single legacy data base management system.

Because Yeap does not have the claimed "first format" and therefore, does not have the claimed "determining" step, it cannot have the third claimed element which is "packing an identifier of said first format and an identifier of said location within said legacy data base of said first application

into a message having a predefined format". Similarly, having no first and third steps, Yeap cannot have the fifth claimed step which requires "unpacking said message to determine said format and said location within said legacy data base of said first application". Finally, as a result of lacking the first, third, and fifth steps, Yeap cannot have the sixth step which requires "accessing said data by said second application using said indication of said first format and said indication of said location within said legacy data base of said first application".

As a result of Yeap not disclosing at least the first, third, fifth, and sixth claimed elements of amended claim 1, the rejection of amended claim 1, and all claims depending therefrom, is respectfully traversed.

Claim 2 depends from claim 1 and is further limited by "wherein said data further comprises a plurality of data objects". As a matter of law, claim 2 further limits the "data" defined by claim 1 (i.e., the "data" transferred from the claimed "first application" to the claimed "second application"). Ignoring this relationship, the Examiner cites Yeap paragraph [0020], which relates to the header of the message, rather than the claimed "data". The citation states in part:

The relevant data objects in the body to be cross-referenced are identified. (Emphasis added)

The Examiner further cites Yeap, paragraph [0037], which states:

Some examples of objects can include: account information; customer name; and customer address.

Whereas, this might be interesting, it is unknown why the Examiner would consider this to be pertinent to Applicants' claimed invention. The rejection of claim 2 is respectfully traversed for failure of Yeap to meet the requirements of MPEP 2131.

Claim 3 depends from claim 2 and is further limited by "wherein said predefined format further comprises Extended Markup Language". As a matter of law, it is the "predefined format" of the claimed "message" of the third element of claim 1 which is further limited by claim 3. Yeap does not disclose the claimed "message", because Yeap does not have the claimed "identifier" located within the claimed "header". Therefore, Yeap cannot have the limitations of claim 3. The rejection of claim 3 is respectfully traversed.

Claim 4 depends from claim 3 and is further limited by "transferring step further comprises transferring via a publically accessible digital data communication network". Again, as a matter of law, claim 4 limits the "transferring step" of claim 1 which is "transferring" of the claimed "message". As explained above, Yeap does not have the claimed "message". Therefore, it cannot have the claimed limitations of claim 4. The rejection of claim 4 is respectfully traversed.

Claim 5 depends from claim 4 and further limits the claimed transferring network. As explained above, Yeap cannot meet the limitations of claim 4, because it does not have the claimed "message". Therefore, Yeap cannot meet the further limitations of claim 5. The rejection of claim 5 is respectfully traversed.

Claim 6 is an independent apparatus claim having five basic limiting elements. The second claimed element is "a second application program located within a second computer" and having a legacy data base with a second format which is incompatible with said first format responsively coupled to said first application program". There is no showing that Yeap has the claimed "second application program located within a second computer and having a legacy data base with a second format which is incompatible with said first format responsively coupled to said first application program". Therefore, the Examiner again cites Fig. 1, which is legally irrelevant, because it shows a first application program (i.e., element 112) but does not show the claimed "second application program". As explained above, that Yeap could have (but did not) disclose something different is legally irrelevant, because it does not address Applicants' claimed invention.

The third claimed element is "a message having a preexisting format generated by said first application program for transfer to said second application program". Because Yeap does not have the claimed "second application program", it cannot meet the

limitations of this element. Furthermore, the Examiner cites paragraph [0042] which discloses that the message is generated by message module 114 and not application 112.

Similarly, Yeap does not disclose the fourth claimed element, which requires "a data object responsively coupled to said first application program having an indication of a location and having an indication of said second format". Nowhere in the Examiner's extensive citation of seven disparate but full paragraphs or elsewhere in Yeap is the claimed element with its limitations even mentioned.

The fifth claimed element is "wherein said message contains a definition of said location and said second format". Because Yeap does not have the claimed "second format" as discussed above, it does not have the claimed "definition".

Having thus failed to disclose "the identical invention....in as complete detail as is contained in the ... claim" as is required by MPEP 2131, the rejection of amended claim 6, and all claims depending therefrom, is respectfully traversed.

Claim 7 depends from claim 6 and is further limited by "a publically accessible digital data communication network wherein said first application program is responsively coupled to said second application program via said publically accessible digital data network". Yeap does not have the claimed "second

application program" as discussed above. Therefore, it cannot have the further limitations of claim 7 involving the coupling of the claimed "second application program". The rejection of claim 7 is respectfully traversed.

Claim 8 depends from claim 7 and is further limited by "wherein said preexisting format further comprises Extended Markup Language". As explained above, Yeap does not meet the limitations of claim 7 from which claim 8 depends. Claim 6, from which claim 8 depends, requires that the claimed "message" be generated by the claimed "first application". The Examiner's citation refers to a message generated by "message module 114". Therefore, Yeap cannot meet the further limitations of claim 8. The rejection of claim 8 is respectfully traversed.

Claim 9, as amended, depends from claim 8 and is further limited by "a user terminal which provides a client with an interface to said legacy data base management system containing said first application program". In making his rejection, the Examiner cites paragraphs 19 and 23 of Yeap, which say nothing of the claimed "user terminal". Apparently, the Examiner has confused the claimed "user terminal", which is a piece of hardware, with the Party Management System, a piece of software.

To assist the Examiner in distinguishing between a piece of hardware and a piece of software, claim 9 has been amended in accordance with Applicants' Fig. 1, element 12, and specification

at page 7, lines 17-21. Furthermore, these paragraphs say nothing about any relationship to the required "containing said first application program". The rejection of claim 9 is respectfully traversed.

Claim 10 depends from claim 9 and further limits the coupling of the claimed "first application program" with the claimed "second application program". Yeap does not have the claimed "second application program" as discussed above. Therefore, it cannot have the further limitations of claim 10 involving the coupling of the claimed "second application program". The rejection of claim 10 is respectfully traversed.

Claim 11 is an independent apparatus claim having four "means-plus-function" limitations. As such, it must be examined in accordance with MPEP 2181-2184. Clearly, this has not been done, because the Examiner is required by MPEP 2181 to explicitly acknowledge this form of claim, which he has not done. He has previously been reminded of this requirement and continues to ignore this obligation. Thus, in addition to the clearly erroneous findings of fact and clear errors of law used to examine the other pending claims, claim 11 has not been examined in accordance with controlling law.

The amended first claimed element is "first application program means for providing a user interface via a user terminal which permits a client to interface with a computer system".

There is no discussion within Yeap of the claimed means for providing a user interface. Yeap does not disclose a "user terminal". Therefore, the Examiner ignores Applicant's claim and cites paragraphs 19 and 23 of Yeap which say nothing of either an application program or a user interface.

The second claimed element is "second application program means responsively coupled to said first application program means for offering a data processing service". Because Yeap cannot meet this limitation, the Examiner again cites Fig. 1 which does not disclose the claimed "second application program", or any "means for offering a data processing service".

The fourth claimed element is "message generation means responsively coupled to said first application program means for preparing a message having a preexisting format for transfer of said location and format of said data object means from first application program means to said second application program means". As explained above, Yeap does not anticipate the claimed second format. Therefore, Yeap does not have the claimed "format of said data object".

The rejection of claim 11, and all claims depending therefrom, is respectfully traversed for failure of Yeap to meet the requirements of MPEP 2131 and for failure of the Examiner to properly apply MPEP 2181-2184.

Claim 12 depends from claim 11 and is further limited by "wherein said providing means further comprises means for generating a second service request". This limitation is not shown by Yeap, because Yeap does not disclose a first service request. Therefore, the Examiner cites paragraphs 63-64, which say nothing of a service request. Apparently, the Examiner has confused "message" with "service request". The rejection of claim 12 is respectfully traversed.

Claim 13 depends from claim 12 and further limits the coupling of the claimed "first application program means" with the claimed "second application program means". Yeap does not have the claimed "second application program means" as discussed above. Therefore, it cannot have the further limitations of claim 13 involving the coupling of the claimed "second application program means". The rejection of claim 13 is respectfully traversed.

Claim 14 depends from claim 13 and further limits the coupling of the claimed "first application program means" with the claimed "second application program means". Yeap does not have the claimed "second application program means" as discussed above. Therefore, it cannot have the further limitations of claim 14 involving the coupling of the claimed "second application program means". The rejection of claim 14 is respectfully traversed.

Claim 15 depends from claim 14 and is further limited by "wherein said preexisting format further comprises Extended Markup Language". As explained above, Yeap does not meet the limitations of claim 14 from which claim 15 depends. Therefore, it cannot meet the further limitations of claim 15. The rejection of claim 15 is respectfully traversed.

Claim 16, as amended, is an independent apparatus claim having three limiting elements. The environmental limitations of the preamble are not found in Yeap for the reasons explained above. Furthermore, the first claimed element explicitly indicates the need for the claimed "a data object having....an indication of said second format". Yeap does not have this claimed "second format" as explained above. Therefore, Yeap can have none of the claimed elements. The rejection of claim 16, and all claims depending therefrom, is respectfully traversed.

Claim 17 depends from claim 16 and further limits the coupling of the claimed "first application program" with the claimed "second application program". Yeap does not have the claimed "second application program" as discussed above. Therefore, it cannot have the further limitations of claim 17 involving the coupling of the claimed "second application program". The rejection of claim 17 is respectfully traversed.

Claim 18 depends from claim 17 and further limits the coupling of the claimed "first application program" with the

claimed "second application program". Yeap does not have the claimed "second application program" as discussed above. Therefore, it cannot have the further limitations of claim 18 involving the coupling of the claimed "second application program". The rejection of claim 18 is respectfully traversed.

Claim 19 depends from claim 18 and is further limited by "a user terminal housing said first application program". In making his rejection, the Examiner cites paragraphs 19 and 23 of YEap, which say nothing of the claimed "user terminal". Furthermore, these paragraphs say nothing about any relationship to the required "containing said first application program". The rejection of claim 19 is respectfully traversed.

Claim 20 depends from claim 19 and is further limited by "wherein said predefined format further comprises Extended Markup Language". As a matter of law, it is the "predefined format" of the claimed "message" of the third element of claim 16 which is further limited by claim 20. Yeap does not disclose the claimed "message", because Yeap does not have the claimed "format identifier" located within the claimed "header". Therefore, Yeap cannot have the limitations of claim 20. The rejection of claim 20 is respectfully traversed.

Claim 21 is an independent apparatus claim having seven unique limiting elements. The first claimed element is "a user terminal which provides a client with an interface to said data

processing system having a first application program". Nowhere in Yeap is a "user terminal" shown, disclosed, or even mentioned. Therefore, the Examiner again cites paragraphs 19 and 23, which make no mention of the claimed element.

The second claimed element is "a second application program" responsively coupled to said first application program via a publically accessible digital data network". As explained above in detail, Yeap does not have the claimed "second application program". Therefore, the Examiner completely ignores these limitations and again cites Fig. 1.

The third claimed element is "a message having a preexisting Extended Markup Language format generated by said first application program for transfer to said second application program". Yeap does not have the claimed "message" because it does not have the claimed "format indicator". Furthermore, id does not have the claimed "second application program". Therefore, it cannot have the limitations of this claimed element.

The fourth claimed element is "a data object responsively coupled to said first application program having a location and having a second format which is incompatible with said preexisting Extended Markup Language". Yeap does not have the claimed "second format". Therefore, it does not meet the limitations of this claimed element.

The fifth claimed element is "wherein said message contains a definition of said location and said second format". Yeap cannot meet this limitation, because it does not have the claimed "second format". The rejection of claim 21 is respectfully traversed for failure of Yeap to meet the requirements of MPEP 2131 for showing of anticipation.

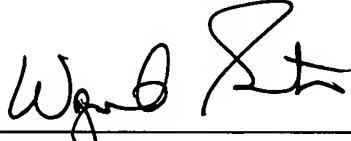
Having thus responded to each objection and ground of rejection, Applicant respectfully requests entry of this amendment and allowance of claims 1-21 being the only pending claims.

Please charge any deficiencies or credit any overpayment to Deposit Account No. 14-0620.

Respectfully submitted,

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By his attorney,



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